

OFFICIAL COPY

Fresno, California

March 6, 2001

The City Council met in joint session with the Redevelopment Agency at the hour of 8:30a.m., and thereafter in regular session, in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Acting President
	Henry Perea	Council President

Andy Souza, Interim City Manager
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Jesse Avila, Assistant City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(9:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF FEBRUARY 27, 2001

Councilmember Calhoun questioned his presence and votes on Agency Items "E" and "F" and upon a later check of the record the minutes as presented were deemed correct.

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, RESOLVED, the Agency minutes of February 27th approved as submitted.

(“A”) APPROVE THE ANNUAL REPORT OF THE REDEVELOPMENT AGENCY FOR FISCAL YEAR 1999-2000 (COUNCIL ACTION)

A motion and second to approve the report was acted upon after discussion. Council commended staff on the report and Director Fitzpatrick responded to requests for information and to questions of President Perea and Councilmembers Ronquillo, Calhoun and Boyajian relative to receiving an RDA organizational chart, importance of tax increment and engaging in partnerships on projects, increases/decreases in tax increment over the years, status of the downtown lake and Armenian Town concepts, any plans to establish additional redevelopment areas and associated cost, status of the Chamlian property project, ability to refinance outstanding long-term bonds, and the excellent rates received on the stadium project.

Barbara Hunt, 944 "F" Street spoke to the issue.

On motion of President Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the Annual Report of the Redevelopment Agency for FY 1999-2000 hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“B”) REQUEST CITY MANAGER TO DIRECT STAFF TO PREPARE NECESSARY DOCUMENTS TO REMOVE CITY LIENS IN THE AMOUNT OF \$30,174.82 FROM THE LINCOLN HEIGHTS PROPERTY
(COUNCIL AND AGENCY ACTION)

Councilmember Castillo requested the matter be laid over one week to allow more time to review the staff report noting it was received late with additional written information just being received, explained his request in Spanish to those in the audience, and made a motion to delay, which motion was seconded and later withdrawn after discussion and recommendation.

Acting President Ronquillo spoke in opposition to the delay stating funding commitments had been made by the State and County, noted the issue had been discussed before and clarified staff was only being asked to prepare the necessary documents which would come back for final action, briefly reviewed the history of the issue and how HOME funds were traditionally used, and requested Council at least hear the presentations that were planned for this date.

Councilmember Boyajian stated HOME funds should not be used just for the DAP program but also utilized city-wide in all older neighborhoods where needed, and added he wanted to know how much money was in the HOME fund stating those funds should be allocated to older neighborhoods, seniors and low-income residents needing assistance.

Speaking to the issue were: Barbara Hunt, 944 “F” Street; and an unidentified gentleman, Manuel Bernal, Vice President for Housing/Economic Development for the National Farm Workers Service Center (NFWSC), and Jeffrey Pontene, Attorney for the California Rural Legal Assistance, who all spoke in opposition to the motion and requested presentations be allowed adding some speakers came from Los Angeles.

Brief discussion ensued on the motion (with Councilmember Castillo stating he would support hearing the speakers but still wanted to delay action one week), and how on long the NFWSC’s presentation would take. Councilmember Boyajian reiterated Council first needed to know how much money was in the HOME fund before taking any action and, secondly, how those funds had been allocated and how they could be distributed adding that should be part of the motion, and clarified he was not opposed to the Lincoln Heights project but just wanted to know how much money there was. Upon recommendation of Assistant City Attorney Avila, Councilmember Castillo withdrew his motion.

Interim City Manager Souza stated before Council went further and relative to the following item “C”, he did not believe Council could give direction on allocations of the FY 2001-2002 budget when it had not yet been prepared or presented to Council, and recommended the request be modified to direct staff to *consider* allocating those funds and explained.

At this point in the proceedings it was determined to recess the joint meeting for Council to convene in regular session to conduct the ceremonial issues.

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The joint bodies recessed at 9:15 a.m. and the City Council convened in regular session. Councilmember Duncan gave the invocation and the Pledge of Allegiance was recited **(2 - 0)**.

PRESENTATION OF LATENT PRINT PIN AWARDS BY POLICE CHIEF WINCHESTER

CERTIFICATES OF APPRECIATION TO THE ROOSEVELT HIGH SCHOOL SOCCER TEAM FOR WINNING THE VALLEY CHAMPIONSHIP - COUNCILMEMBER QUINTERO

CERTIFICATES OF APPRECIATION TO DISTRICT 7 STUDENTS OF THE QUARTER - PRESIDENT PEREA

TRIP TO SISTER CITY VERONA, ITALY - PRESIDENT PEREA

The above awards and certificates were read and presented and the Italy trip was announced.

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The City Council recessed at 9:42 a.m. and reconvened in joint session with the Redevelopment Agency.

(“B”) REQUEST CITY MANAGER TO DIRECT STAFF TO PREPARE NECESSARY DOCUMENTS TO REMOVE CITY LIENS IN THE AMOUNT OF \$30,174.82 FROM THE LINCOLN HEIGHTS PROPERTY (COUNCIL AND AGENCY ACTION) - (CONTINUED FROM EARLIER)

Acting President Ronquillo stated the above title was self-explanatory, noted title on the property needed to be cleared for construction, and made a motion to request the City Manager to direct staff as outlined, which was seconded and acted upon after brief discussion.

Barbara Hunt, 94 “F” Street, spoke to the issue.

Interim City Manager Souza responded to a question of President Perea relative to a funding source for the \$30,000+, and Assistant City Attorney Avila clarified the process for writing off a receivable and that staff would return with the necessary documents for final action.

On motion of Acting President Ronquillo, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the City Manager requested to direct staff to prepare the necessary documents to remove City liens in the amount of \$30,174.82 from the Lincoln Heights property, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“C”) REQUEST CITY MANAGER TO DIRECT STAFF TO ALLOCATE \$250,000 FROM HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS FY 2001-2002 BUDGET TO ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING FOR LINCOLN HEIGHTS AKA CASAS SAN MIGUEL OR TALL TREES. STAFF TO RETURN TO COUNCIL ON 4/17/01, CONTINGENT UPON RECEIPT OF ALL SUPPORT DOCUMENTS, E.G. APPROPRIATE BUDGET AND LETTER OF COMMITMENT, ETC., RELATED TO THE PROJECT PROVIDED TO THE CITY WITH NECESSARY ITEMS FOR APPROVAL - ACTING PRESIDENT RONQUILLO (COUNCIL AND AGENCY ACTION)

Acting President Ronquillo stated he was modifying his request and made a motion to request the City Manager direct staff to allocate \$250,000 from any savings or unused FY 2000-2001 HOME budget funds, which motion was seconded and acted upon after extensive discussion.

Giving an overview of, and/or speaking in support of the project were: Manuel Bernal, NFWSC, Los Angeles; Jeff Pontene, Attorney for California Rural Legal Assistance, 2115 Kern St.; and Rufino Dominguez, Luis Heil, farmworker (**3 - 0**), and Nazaria Bautista, who all spoke through interpreters. Barbara Hunt, 944 “F” Street, spoke in opposition.

Lengthy discussion ensued with Assistant City Attorney Avila, HNR Manager Bowness, Mr. Bernal and Deputy Attorney Powell responding to questions and/or clarifying issues relative to the application process that had to be followed to disburse HOME funds, if there was a different process for reallocating unused HOME funds from the existing budget, if the consent decree applied to the current year’s budget allocations, all FY 01 HOME funds being allocated, the motion including funds allocated to projects but not yet expended, impact to the housing project if the City did not move the \$500,000 CDBG grant, the project financials, developer and contractor, staff review of the financials, security interest for the City, and funding commitments all being contingent upon the others.

Councilmember Calhoun stated he was uncomfortable making a decision this date and needed more time and made a motion to table the matter one week.

A motion of Councilmember Calhoun, seconded by Councilmember Castillo, to table the matter one week failed, by the following vote:

Ayes	:	Calhoun, Castillo
Noes	:	Boyajian, Duncan, Quintero, Ronquillo, Perea
Absent	:	None

Brief discussion ensued with Acting President Ronquillo, Councilmember Boyajian and President Perea speaking in support of the project and motion, explained why it was a complicated one, emphasized assurances were in place for a thorough staff review, and clarified this was direction to staff only and if other pieces of project did not take place the City was under no obligation.

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the City Manager requested to direct staff to allocate \$250,000 from any unused or savings in HOME Investment Partnership Program Funds FY 2000-2001 budget, to assist in the development of affordable housing for the Lincoln Heights Project aka Casas San Miguel or Tall Trees, and return on April 17, 2001, contingent upon receipt of all support documents, e.g. appropriate budget and letter of commitment, etc., related to the project provided to the City with necessary items for approval, by the following vote:

Ayes	:	Boyajian, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	Calhoun
Absent	:	None

AGENCY UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT, 944 "F" STREET, REGARDING REDEVELOPMENT

Appearance made; no action taken.

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The joint bodies adjourned at 10:41 a.m. and the City Council reconvened in regular session.

APPROVE COUNCIL MINUTES OF FEBRUARY 27, 2001

Upon question of Councilmember Calhoun, City clerk Klisch advised his inquiry on the Agency minutes applied here also.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the minutes of February 27, 2001, approved as submitted.

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APPROVE AGENDA:

(11:30 A.M.) DISCUSSION/ACTION GIVING COUNCIL FLEXIBILITY ON THE NEW CITY MANAGER'S SALARY - PRESIDENT PEREA

1. RESOLUTION - 14TH AMENDMENT TO SALARY RES. 2000-186 RELATING TO THE CITY MANAGER'S SALARY

City Clerk Klisch advised the resolution was subject to the Mayor's veto and should have been asterisked. So noted.

REMINDER TO COUNCIL EDUCATION COMMITTEE TO BE PREPARED TO PRESENT A POSITION ON MARCH 27, 2001, ON: (1) CURFEW ORDINANCE AND (2) MAYOR APPOINTMENT OF TWO ADDITIONAL SCHOOL BOARD MEMBERS - PRESIDENT PEREA

Reminder given.

DIRECT STAFF TO SCHEDULE ON THE MARCH 27, 2001, AGENDA: DISCUSSION AND POSSIBLE ACTION/POSITION ON POTENTIAL COG FUNDING FOR FREEWAY 65 - ACTING PRESIDENT RONQUILLO

Direction made.

DIRECT STAFF TO SCHEDULE ON THE MARCH 27, 2001, AGENDA: ESTABLISH COMMITTEE TO WORK ON EMPOWERMENT ZONES CONSISTING OF CATHOLIC CHARITIES, HOUSING AUTHORITIES, AND ANY OTHERS INVOLVED IN THE PROGRAM - COUNCILMEMBER CASTILLO

Direction made.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-3) AWARD A CONTRACT TO VULCAN CONSTRUCTION AND MAINTENANCE, INC. IN THE AMOUNT OF \$199,345 FOR INSTALLATION OF 12" AND 8" WATER MAINS AND COMMUNICATION CABLES AT THE CHAFFEE ZOO

(1A-4) APPROVE APPOINTMENTS OF EDWARD KOWALCZYK TO THE COMMISSION ON THE STATUS OF WOMEN, AND PAT BARR TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER CALHOUN

(1A-5) PROPOSED APPOINTMENT OF ELISABET ESPAILLAT GARCIA TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER CASTILLO (*INTRODUCE AND LAY OVER*)

(1A-6) * RESOLUTION NO. 01-69 - 106TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$1,000 FROM DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGET TO SPONSOR BARRIOS UNIDOS' "FRIDAY NIGHT FIESTA" - COUNCILMEMBER QUINTERO

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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Councilmember Calhoun acknowledged Pat Barr in the audience who had just been appointed to the Human Relations Commission, thanked her for her interest and stated she would be a wonderful addition to the commission.

CONTESTED CONSENT CALENDAR:

(1A-1) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE STATISTICS, TO RECEIVE \$199,480 FOR A PILOT PROGRAM TO IMPLEMENT A NATIONAL INCIDENT BASED REPORTING SYSTEM (NIBRS)

Councilmember Calhoun expressed concern with staff's position to absorb the programmer analyst and \$43,000 fiscal impact should funds not be made available at the end of the one year program, with Chief Winchester responding.

A motion and second to approve staff's recommendation was made and acted upon after brief discussion with Chief Winchester responding to questions of President Perea and Councilmembers Ronquillo and Duncan relative to funding source for the absorbed position (with President Perea stating he would not approve the position next year), if the NIBRS would provide any direct benefit to citizens, and if crime statistics would increase with the new system.

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the Chief of Police authorized to enter into an agreement with the California Department of Justice, Bureau of Justice Statistics, to receive \$199,480 for a pilot program to implement a National Incident Based Reporting System (NIBRS), by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	None

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(1A-2) * RESOLUTION NO. 01-70 - 13TH AMENDMENT TO SALARY RES.2000-186 AMENDING THE SALARY RANGE OF BOX OFFICE ASSISTANT

Councilmember Calhoun stated he was dissatisfied with the lack of information in the staff report relative to justification for the salary increase and along with Councilmember Ronquillo presented questions relative to the process for salary amendments, the review process, how often amendments came forth, and reasons for the requested salary increase.

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-70 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(9:50 A.M.) APPEARANCE BY HARLAN KELLY TO DISCUSS (1) DAN GREEN'S RECYCLING, YAWEH RECYCLING AND WEAVER RECYCLING, AND (2) M-1 ZONING BEING CHANGED TO CONFORM WITH GNRA AND THE INDUSTRIAL PARK

Mr. Kelly, representing the Edison GNRA Advisory Committee and the West Fresno Concerned Citizens, allowed 25 minutes for his presentation which included a 15-minute video. Discussion ensued on the amount staff to enter into discussions with Mr. Green's attorney and assist Mr. Green with his planned relocation. City Attorney stated direction was not necessary and staff could meet with all parties, advised past direction given was not the matter be referred back to staff to meet and report back in two weeks with a recommendation on how to proceed.

ensued on Mr. Kelly focusing his presentation this date on the M-1 zoning issue, the amount of time needed the matter on another date for a full presentation.

A
minutes for a video presentation failed, by the following vote:

Ayes	Boyajian, Ronquillo
Noes	Calhoun, Castillo, Duncan, Quintero, Perea
Absent	None

By Council consensus, a full 25-minute presentation was set for March 27 at 4:00 p.m.

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A.M.) TEFRA HEARING AS REQUIRED BY SECTION 147(f) OF THE INTERNAL REVENUE CODE 1986 TO HEAR AND CONSIDER INFORMATION CONCERNING THE PROPOSED ISSUANCE OF CITY OF REHABILITATION OF A MULTIFAMILY HOUSING PROJECT (THE CALIFORNIAN)
1. APPROVING THE ISSUANCE OF BONDS TO FINANCE THE ACQUISITION

President Perea announced the time had arrived to consider the issue and opened the hearing. Interim Controller

Barbara Hunt, 944 "F" Street, spoke to the issue.

Upon

Mr. Carlton clarified issues and/or responded to questions of Councilmembers Calhoun and Boyajian relative

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(10:15 A.M.) HEARING ON RE ZONING APPLICATION NO. R-00-050 AND ENVIRONMENTAL FINDINGS, FILED BY GARY GIANNETTA FOR SEQUOIA-FRESNO JOINT VENTURE, PROPERTY LOCATED AT 600-700 E. NEES

1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-00-50, DATED FEBRUARY 14, 2001

2. BILL NO. B-29 - ORDINANCE NO. 01-25 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-1/CZ WITH CONDITIONS TO C-1/CZ WITH MODIFIED CONDITIONS

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach briefly reviewed the staff report as submitted, recommended approval, and a motion and second was made to approve staff's recommendation.

Barbara Hunt, 944 "F" Street, spoke to the issue. Acting President Ronquillo left the meeting at 11:23 a.m.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Quintero, seconded by Acting President Ronquillo, duly carried, RESOLVED, the Categorical Exemption for Environmental Assessment No. R-00-050, dated February 14, 2001, hereby approved; and the above entitled Bill No. B-29 adopted as Ordinance No. 01-25 with modified conditions to change the setback along First Street from 30 feet to 20 feet, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes : None
Absent : Ronquillo

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(10:30 A.M.) HEARING TO CONSIDER A RESOLUTION OF NECESSITY TO ACQUIRE SIX PROPERTIES AT THE INTERSECTION OF SHAW AND BLACKSTONE AVENUES

1. * RESOLUTION - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF RIGHT OF WAY EASEMENTS FOR THE RECONSTRUCTION OF THE SHAW/BLACKSTONE AVENUES INTERSECTION, AND THAT THE ACQUISITIONS ARE NECESSARY FOR THE PROJECT

President Perea announced the time had arrived to consider the issue and opened the hearing. City Engineer Salazar advised one of the property owners was requesting a two week continuance with staff concurrence. Upon question of President Perea, Mr. Salazar and City Attorney Montoy advised of reasons for the request to continue and clarified it came after the hearing was officially posted.

On motion of Councilmember Castillo, seconded by President Perea, duly carried, RESOLVED, the hearing to consider a Resolution of Necessity to acquire six properties at Shaw and Blackstone continued to March 20, 2001, at 10:30 a.m., by the following vote:

: Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
: None
: Ronquillo

(10:45 A.M.)

AND TEXT AMENDMENT NO. TA-00-06 AND ENVIRONMENTAL FINDINGS, FILED BY ST. AGNES CENTER FOR A SIX-STORY EXPANSION, PROPERTY LOCATED ON THE SOUTH SIDE OF E. HERNDON BETWEEN N. FIRST AND N. MILLBROOK

CONSIDER AND ADOPT THE NEGATIVE DECLARATION FOR E.A. NO. A-00-10, C-00-173, TA-00-06,

**2. RESOLUTION NO. 01-72 - AMENDING
PLAN**

3. TEXT AMENDMENT NO. TA-00-06
AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE AND RELATED ENVIRONMENTAL FINDINGS, CHANGING THE LANGUAGE RELATED TO MID-RISE AND HIGH-RISE BUILDINGS TO

4. RESOLUTION NO. 01-73 - CONDITIONAL USE PERMIT NO. C-00-173 FOR A SIX-STORY
HOSPITAL ADDITION

Perea announced the time had arrived to consider the issue and opened the hearing. Acting President Ronquillo

Upon call, no one wished to be heard and President Perea closed the hearing.

On
Mitigated Negative Declaration prepared for the project hereby adopted; the above entitled Resolution No. 01-72 the above entitled Bill No. B-22 adopted as Ordinance No. 01-26; and the above entitled Resolution No. 01-73 adopted inclusive, dated 7/28/00; (b) Special Permit Conditions of Approval dated 1/9/01; and (c) General Conditions to Project

Ayes :
Noes :
Absent :

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(11:00 HEARING ON PLAN AMENDMENT NO. A-00-18, REZONING APPLICATION NO. R-00-35 AND ENVIRONMENTAL CORNER OF E. BUTLER AND S. EIGHTH STREET - 3804 E. BUTLER AVENUE

1.
NEGATIVE DECLARATION DATED 11/24/00

2. RESOLUTION NO. 01-74 -

C. BILL NO. B-31 - ORDINANCE NO. 01-27 -
R-1 TO C-5/CZ

THE OFFICIAL ZONE MAP TO REZONE FROM

President Perea announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation. Councilmember Calhoun commended staff stating a lot of creative work went into the project and Acting President Ronquillo stated he hoped the trend would continue.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Quintero, seconded by Acting President Ronquillo, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. A-00-18, R-00-35, dated 11/24/00, hereby approved; the above entitled Resolution No. 01-74 adopted; and the above entitled Bill No. B-31 adopted as Ordinance No. 01-27 subject to the conditions of zoning as recommended by staff and the Planning Commission, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(11:15 A.M.) HEARING ON REZONING APPLICATION NO. R-00-51 AND ENVIRONMENTAL FINDINGS, FIELD BY GARY GIANNETTA, PROPERTY LOCATED AT 255 W. EL PASO AVENUE WEST OF N. BLACKSTONE

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-00-51, CATEGORICAL EXEMPTION DATED 1/25/01

2. BILL NO. B-32 - ORDINANCE NO. 01-28 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-M/CZ TO C-M

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach briefly reviewed the staff report as submitted and a motion and second was made to approve staff's recommendation.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, the Categorical Exemption for Environmental Assessment No. R-00-051, dated 1/25/01, hereby approved; and the above entitled Bill No. B-32 adopted as Ordinance No. 01-28, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(11:30 A.M.) DISCUSSION/ACTION GIVING COUNCIL FLEXIBILITY ON THE CITY MANAGER'S SALARY - PRESIDENT PEREA

1. * RESOLUTION NO. 01-75 - 14TH AMENDMENT TO SALARY RES. 2000-186 RELATING TO THE CITY MANAGER'S SALARY

137-116

Reviewed by President Perea who stated he, along with Councilmembers Boyajian, Duncan and the Mayor's were looking for a little more flexibility on the city manager salary, requested Council support the expansion of the Fresno, and clarified he was not recommending the high end of the range but was simply asking for flexibility.

** Visiting students from Craycroft School were recognized and welcomed.

President Ronquillo commented on how the past city manager's salary was set, stated he was concerned with the proposed salary range and the survey stating Stockton and Bakersfield should have been included and on the need to hire a city manager who would be business-friendly, positive and pro-active, and **(5 - 0)** salary would go a lot further in a community like Fresno and that should be considered.

Councilmember Duncan spoke in support of the range it was important to have the flexibility to attract the best person for our growing city. Councilmembers Boyajian and also expressed their support and stressed this would only give the Mayor flexibility to make his decision. Upon question matter did not have to come back to Council for final approval.

Barbara Hunt, 944 "F" Street, spoke to the issue.

reasonable increase, and requested the matter be delayed one week to obtain the salaries of Stockton, Bakersfield and as a better comparison or amend the motion and range to \$155,000 top. Upon question of Councilmember Castillo, anything over that amount coming back to Council for approval.

Gloria Torrez, 2600 N. Fresno Street, spoke in support of selecting Interim City Manager Souza.

Chief of Staff White clarified this was a range only and the Mayor was not looking at the high end, stated salaries in the process adding Mayor Autry wanted to select the best candidate at the best price. President Perea noted a check been conducted and the salaries of Stockton's and Bakersfield's city managers were \$164,616 and \$156,108 respectively. on top the salary. Councilmember Duncan stated Mayor Autry should be complimented for including Council in the

On motion of Councilmember Duncan, seconded by Councilmember Castillo, duly carried, RESOLVED, the

Ayes :
Noes :
Absent :

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LUNCH RECESS - 11:58 A.M. - 2:00 P.M.**(2:00 P.M.) CLOSED SESSION:**

(A) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - GOVERNMENT CODE SECTION 54957 - TITLE: CITY ATTORNEY

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAMES:

1. CLAIM OF NANCY GAWOR
2. CLAIM OF RONALD MCCLAIN
3. CLAIM OF ORLANDO JEFFERSON

(C) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - DECIDING WHETHER TO INITIATE LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (c) - CASE NAME: CITY OF FRESNO V. UNITED STATES BUREAU OF WATER RECLAMATION, ET AL.

(D) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: GRAHAM CONTRACTORS, INC., V. COF, ET AL.

The Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above issues and reconvened in regular open session at 3:09 p.m. with Councilmembers Boyajian and Quintero arriving later. Closed session announcements were made at the end of the meeting.

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(3A) APPROVE APPOINTMENT OF BILLY CARTER TO THE FRESNO-MADERA AREA AGENCY ON AGING BOARD - MAYOR AUTRY

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, Billy Carter appointed to the Fresno-Madera Area Agency on Aging Board, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Boyajian, Quintero

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(5A) DETERMINATION TO HOLD A PUBLIC HEARING TO REVIEW THE PLANNING COMMISSION'S ACTION ON CUP NO. C-00-246, FILED BY AHMAD LARI, FOR OPERATION OF A USED CAR LOT ON THE NORTHWEST CORNER OF W. SHAW AND FREEWAY 99 - COUNCILMEMBER CALHOUN

Briefly reviewed by Councilmember Calhoun who requested a Council hearing to appeal the planning commission's decision and address issues that had been raised. Councilmembers Boyajian and Quintero arrived at 3:11 p.m. A motion and second was made to hold a hearing and upon question, Development Director recommended the hearing be held in three weeks.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, a public hearing to review the Planning Commission's action on CUP No. C-00-246, filed by Ahmad Lari, set for March 27, 2001, at 10:00 a.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5B) REPORT/DIRECTION ON A CO-GENERATION FACILITY- PRESIDENT PEREA AND COUNCIL-MEMBER DUNCAN

Councilmember Duncan advised he and President Perea met with Community Hospital representatives to discuss looking into developing a co-generation plant that would serve the needs of the downtown area and the hospital, explained the concept and further elaborated on the issue, and stated he felt it would be appropriate to request a report from staff on the proposal. President Perea added this would provide an opportunity for the City to become self-sufficient in the area of energy, noted this would be a joint partnership and advised a company was willing to build the plant at their cost on behalf of the City and the hospital with the understanding that a long-term arrangement would be entered into to purchase the power generated, and stated he would like a staff report including a funding source to engage a consultant to frame the issues more concisely and lay out options. A motion and second was made to give direction to staff and Councilmember Castillo commended and thanked Councilmember Duncan and President Perea and spoke in support of the issue.

On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, staff directed to work with Community Hospital and report back with a recommendation on the proposal including a funding source to engage a consultant and necessary actions, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None
Abstain	:	Calhoun

Councilmember Calhoun stated he was abstaining and had not participated in the discussion due to a potential conflict of interest.

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(3:00 P.M.) CONSIDER APPROVAL FOR A COUNCIL OVERRIDE VOTE FOR THE DESIGNATION OF FUEL PATH REQUIRED UNDER CALIFORNIA AIR RESOURCE BOARD TRANSIT FLEET RULE VETOED BY MAYOR AUTRY ON FEBRUARY 13, 2001 - PRESIDENT PEREA

President Perea stated this was both a health and economic development issue; reviewed the issue at length including the background and history, the concerns raised at the last meeting and addressed those issues, and the Mayor's countering memos; and spoke in support of staying on course with the alternative fuel path (CNG) stating funds were available to convert.

(6 - 0) Speaking in support of diesel or CNG and/or to related issues were: Gloria Torrez, 2600 N. Fresno St., who stated this issue would delay her fight to reinstate 20 minute bus service on Line 38; Manual Cuhna, Jr., 1775 N. Fine, for diesel; Kevin Hall, 1204 E. Sierra Madre, for diesel; Walt Loscutoff, 8424 N. Saffron, CSUF Professor of Mechanical Engineering, who addressed the diesel and CNG systems; David Fogarty, representing Western States Petroleum Association, Sacramento, CA, for clean diesel who also submitted material on file in the office of the City Clerk; Joe Rios, 5226 E. Behymer, Clovis, concerned taxpayer/parent, support for CNG and who also stated both CNG and diesel could work together; and Mark Boese, 1990 E. Gettysburg, SJVAPCD Deputy Air Pollution Control Officer, for CNG and also addressed air pollution.

Continued speakers were: Malik Baz, M.D., allergy/asthma specialist and board member of the American Lung Association, for CNG who also addressed medical problems faced in the valley; Ken Machoian, 390 W. Fir, Clovis, SCCC Program Coordinator for Advanced Transportation Technology Center, for CNG; Steven Sokolsky, Consulting Firm from Hayward CA, for CNG; Bruce Morris, 2257 E. Fremont, for CNG; Julianne Dittman, 1274 N. Hedges, Executive Director, Fresno County Farm Bureau, for diesel; Todd Campbell, Policy Director, Coalition for Clean Air, for CNG; Martin Mahaley, Northern California Project Manager for Pickens Mill Corp., 230 River Acres Drive, Sacramento, CA, for CNG; and Tim McCrae, Planning and Conservation League, Sacramento, CA, for CNG (7 - 0).

President Perea made a motion to uphold Council's January 30th decision for an alternative fuel path and to override the Mayor's veto, which motion was seconded and acted upon after discussion.

Councilmember Castillo spoke in support of CNG stating it would be a mistake to place economics against the health of our children. Councilmember Duncan stated the bottom line was CNG would cost more to operate and presented questions relative to transit's expanded service and operating fund relative to conversion costs and purchasing buses, with Transit Manager Rudd responding. Councilmember Boyajian commented on reasons for the valley's air pollution and spoke in support of CNG. Councilmember Calhoun stated a good case had been made for CNG since his last vote and noting funding was available and assurances had been made he was changing his prior vote and would support CNG. Acting President Ronquillo stated it all came down to vehicle emissions and explained, and stated because of testimony/information received he would support diesel due to standards to be imposed on diesel fuel which were equal to natural gas and because he was not convinced natural gas prices would be stabilized for at least another three or four years.

A motion of President Perea, seconded by Councilmember Castillo, to uphold Council's January 30, 2001, decision for an alternative fuel path and override the Mayor's veto failed due to the need for five affirmative votes, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea
Noes	:	Duncan, Quintero, Ronquillo
Absent	:	None

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CLOSED SESSION ANNOUNCEMENTS

City 2:00 P.M. B-3 the \$1,000,000 claim of Orlando
Jefferson for alleged
the claim was denied 6-0-1 with Councilmember Castillo absent; and relative to item , claim of Nancy
Gawor
supervision of Police Officer Paul Hurth, the claim was denied 6-0-1 with Councilmember Castillo absent.

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There being no further business to bring before the Council, the hour of 4:55 p.m. having arrived and hearing

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th day of March, 2001.

ATTEST:_____

137-121

3/6/01